



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/552,098

10/04/2005

Joachim Droese

15192-000006/US/NP

4190

27572 7590 11/26/2008
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

HA, STEVEN S

ART UNIT

PAPER NUMBER

4184

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/552,098	DROESE, JOACHIM	
	Examiner	Art Unit	
	STEVEN HA	4184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 8-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/2007, 10/2007, and 10/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

3. Regarding claim 1, the phrase "preferably" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

4. Claims 1, 5, 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "the preferably multi-part bottom" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the reinforcing ribs" in the last two lines of the claim. There is insufficient antecedent basis for this limitation in the claim. The phrase "with simultaneous formation of the reinforcing ribs" (line 2) should be replaced by --with a simultaneous formation of reinforcing ribs--.

Claim 27 recites the limitation "said calibrating" which has insufficient antecedent

Art Unit: 4184

basis for this limitation as it is claimed. For the purposes of examination, claim 27 is read to be dependent on claim 23. Thus, "the plurality of reinforcing ribs" in the last line of the claim has insufficient antecedent basis for this limitation in the claim. The phrase "said stamping the" should be replaced with --stamping a--.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 23-24, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sollo (US 6,782,599) in view of Zani (US 4,204,607).

Claim 1 recites: "A method for producing cookware composed of a base body and a bottom attached thereto, in particular a pot, a pan or the like, in which in a first step of said method, the base body is formed as one integral piece, preferably by means of deep-drawing, and in a second step of said method, the base body is connected to the preferably multi-part bottom, which comprises an inlay as well as a capsule, which receives said inlay, characterized in that by a following step the bottom is calibrated by means of a pressing device having a position control, preferably a toggle press in this way, that the bottom is bulged inwards with respect to the lower side thereof."

Art Unit: 4184

Sollo teaches a method of forming a base body of a pot or pan as one integral piece (col. 5, ln 24-40) and a bottom bulged inwards with respect to the lower side (convex bottom portion; col. 5, ln 46-47).

Sollo fails to teach connecting a base body to a multi-part bottom, which comprises an inlay as well as a capsule, which receives said inlay.

Zani teaches a disc-like insert, enclosed by a protective member (col. 1, ln 45-47) and connecting the multi-part bottom to a base body (col. 2, 1-13).

In view of Zani's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include an inlay as well as a capsule because the inlay can help to reinforce the bottom. Furthermore, it would have been obvious to connect a multi-layer bottom with a base body via brazing since brazing is a well known method used to join metal components.

Claim 2 recites: "A method according to claim 1, characterized in that the bottom is mechanically reinforced."

Sollo teaches a mechanically reinforced bottom via a plate member formed in a metallic material of relatively high hardness (col. 1, ln 15-17).

Claim 23 recites: "A method for producing a cookware comprising

forming a base body of the cookware as one integral piece;

connecting the base body to a multi-part bottom of the cookware, wherein the multi-part bottom has an inlay and a capsule that receives the inlay; and

Art Unit: 4184

calibrating the multi-part bottom by a pressing device having a position control such that the bottom is bulged inwards with respect to a lower side of the multi-part bottom.”

Sollo teaches a method of forming a base body of a pot or pan as one integral piece (col. 5, ln 24-40) and a bottom bulged inwards with respect to the lower side (convex bottom portion; col. 5, ln 46-47).

Sollo fails to teach connecting a base body to a multi-part bottom, which comprises an inlay as well as a capsule, which receives said inlay.

Zani teaches a disc-like insert, enclosed by a protective member (col. 1, ln 45-47) and connecting the multi-part bottom to a base body (col. 2, 1-13).

In view of Zani's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include an inlay as well as a capsule because the inlay can help to reinforce the bottom. Furthermore, it would have been obvious to connect a multi-layer bottom with a base body via brazing since brazing is a well known method used to join metal components.

Claim 24 recites: “The method of claim 23, wherein said calibrating the multi-part bottom is executed such that the multi-part bottom is mechanically reinforced.”

Sollo teaches a mechanically reinforced bottom via a plate member formed in a metallic material of relatively high hardness (col. 1, ln 15-17) and a bottom bulged inwards with respect to the lower side (convex bottom portion; col. 5, ln 46-47).

Art Unit: 4184

Claim 30 recites: “The method of claim 23, wherein the cookware is one of a pot and a pan.”

Sollo teaches the manufacture of any kind of pot or pan via their process (col. 5, ln 41-42).

Claim 31 recites: “The method of claim 23, wherein said forming the base body is by deep-drawing.”

Sollo teaches a method of manufacturing a base body via drawing, but does not specifically teach deep-drawing.

Although Sollo fails to teach deep-drawing, the claim would have been obvious because the substitution of one known element, in this case deep-drawing, for another, drawing of a substantially normal type as presented in Sollo, would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Claim 32 recites: “The method of claim 23, wherein the pressing device is a toggle press.”

Sollo teaches a press (Figure 7; col. 5, ln 30-34).

3. Claims 3-4, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sollo (US 6,782,599) in view of Zani (US 4,204,607) as applied to claims 1 and 23 above and further in view of Chatterton et al. (US 6,149,053).

Art Unit: 4184

Claim 3 recites: "A method according to claim 2, characterized in that reinforcing ribs are stamped into the lower side of the bottom."

The combination of Sollo and Zani fails to teach ribs that are stamped to the lower side of the bottom.

Chatteron et al. teaches ribs that are stamped to the bottom of a pan in order to increase the strength (col. 1, ln 39-43).

In view of Chatteron et al.'s teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Sollo and Zani, stamping ribs onto the lower side of the bottom in order to add extra strength to the cookware.

Claim 4 recites: "A method according to claim 3, characterized in that the stamping of the reinforcing ribs is carried out in a position controlled manner."

The combination of Sollo and Zani fails to teach stamping of the reinforcing ribs that is carried out in a position controlled manner.

Chatteron et al. teaches ribs that are stamped to the bottom of a pan in order to increase the strength (col. 1, ln 39-43) but is silent to stamping in a position controlled manner.

Though Chatteron et al. is silent to the specific manner, it follows from stamping ribs that the process must be position controlled in order to achieve the appropriate size and depth of ribs. Thus, it would be obvious to one of ordinary skill in the art at the time

Art Unit: 4184

of the invention to include, with the method as detailed by Sollo and Zani, stamping ribs in a position controlled manner.

Claim 25 recites: "The method of claim 24, further comprising stamping a plurality of reinforcing ribs into the lower side of the multi-part bottom."

The combination of Sollo and Zani teaches a multi-part bottom (Sollo; Fig. 8, col. 6, ln 6-12) but fails to teach ribs that are stamped to the lower side of the bottom.

Chatteron et al. teaches ribs that are stamped to the bottom of a pan in order to increase the strength (col. 1, ln 39-43).

In view of Chatteron et al.'s teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Sollo and Zani, stamping ribs onto the lower side of the multi-part bottom in order to add extra strength to the cookware.

Claim 26 recites: "The method of claim 25, wherein said stamping the plurality of reinforcing ribs is executed in a position controlled manner."

The combination of Sollo and Zani fails to teach stamping the plurality of reinforcing ribs that is carried out in a position controlled manner.

Chatteron et al. teaches ribs that are stamped to the bottom of a pan in order to increase the strength (col. 1, ln 39-43) but is silent to stamping in a position controlled manner.

Art Unit: 4184

Though Chatteron et al. is silent to the specific manner, it follows from stamping ribs that the process must be position controlled in order to achieve the appropriate size and depth of ribs. Thus, it would be obvious to one of ordinary skill in the art at the time of the invention to include, with the method as detailed by Sollo and Zani, stamping ribs in a position controlled manner.

4. Claims 5, 7, 27, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sollo (US 6,782,599) in view of Zani (US 4,204,607) as applied to claims 1 and 23 above and further in view of Chatteron et al. (US 6,149,053) and Bessenbach et al. (US 5,064,055).

Claim 5 recites: "A method according to claim 1, characterized in that a calibration of the bottom is carried out with simultaneous formation of the reinforcing ribs."

Sollo teaches the calibration of the bottom via a bottom bulged inwards with respect to the lower side (convex bottom portion; col. 5, ln 46-47).

The teachings of Chatteron et al. have been discussed above.

The combination of Sollo, Zani, and Chatterton et al. fails to teach the simultaneous formation of ribs and the calibrated bottom.

Bessenbach et al. teaches the simultaneous attachment of a bottom disc, bottom plate, and the bottom of a stainless steel container (col. 3, ln 1-7; claim 1).

In view of Bessenbach et al.'s teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, as in the method taught by

Art Unit: 4184

Sollo, Zani, and Chatterton et al., the simultaneous formation of the reinforcing ribs and the calibrated bottom because combining the formation of these two steps would save time.

Claim 7 recites: "A method according to claim 1, characterized in that the connection of base body and bottom, on the one hand, and the calibration of the bottom, on the other hand, are carried out in one step of said method."

Sollo teaches the calibration of the bottom via a bottom bulged inwards with respect to the lower side (convex bottom portion; col. 5, ln 46-47) and the connection of base body and bottom (col. 6, ln 5-12).

The teachings of Chatterton et al. have been discussed above.

The combination of Sollo, Zani, and Chatterton et al., however, fails to teach the step of simultaneously calibrating and connecting.

Bessenbach et al. teaches the simultaneous attachment of a bottom disc, bottom plate, and the bottom of a stainless steel container (col. 3, ln 1-7; claim 1).

In view of Bessenbach et al.'s teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, as in the method taught by Sollo, Zani, and Chatterton et al., the connection of base body and bottom and the step of simultaneously calibrating and connecting. The connection of base body and bottom allows for a piece of cookware to be made with increased strength on the bottom and the simultaneous calibration and connecting step saves time in the overall process.

Art Unit: 4184

Claim 27 recites: "The method of claim 25, wherein said calibrating the multi-part bottom and said stamping the plurality of reinforcing ribs are executed simultaneously."

Sollo teaches the calibration of the multi-part bottom via a bottom bulged inwards with respect to the lower side (convex bottom portion; col. 5, ln 46-47).

The teachings of Chatteron et al. have been discussed above.

The combination of Sollo, Zani, and Chatterton et al., however, fails to teach the simultaneous formation of ribs and the calibrated bottom.

Bessenbach et al. teaches the simultaneous attachment of a bottom disc, bottom plate, and the bottom of a stainless steel container (col. 3, ln 1-7; claim 1).

In view of Bessenbach et al.'s teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, as in the method taught by Sollo, Zani, and Chatterton et al., the simultaneous formation of the reinforcing ribs and the calibrated bottom because combining the formation of these two steps would save time.

Claim 29 recites: "The method of claim 23, wherein said connecting and said calibrating are executed in one step."

Sollo teaches the calibration of the bottom via a bottom bulged inwards with respect to the lower side (convex bottom portion; col. 5, ln 46-47) and a connecting step (col. 6, ln 5-12).,

The teachings of Chatteron et al. have been discussed above.

Art Unit: 4184

The combination of Sollo, Zani, and Chatterton et al., however, fails to teach the step of simultaneously calibrating and connecting.

Bessenbach et al. teaches the simultaneous attachment of a bottom disc, bottom plate, and the bottom of a stainless steel container (col. 3, ln 1-7; claim 1).

In view of Bessenbach et al.'s teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, as in the method taught by Sollo, Zani, and Chatterton et al., the connecting and calibrating step to be executed at once because the combination of these two steps would save time.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sollo (US 6,782,599) in view of Zani (US 4,204,607) as applied to claim 1 above, and further in view of Kim (US 2004/0226456 A1).

Claim 6 recites: "A method according to claim 1, characterized in that the base body and the bottom are welded or soldered to each other."

Sollo and Zani fail to teach a method wherein the base body and bottom are welded or soldered to each other.

Kim teaches a method of welding a main body with two separate bottom plates (Page 2, [0042], ln 8-11).

In view of Kim's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, as in the method outlined by Sollo and

Art Unit: 4184

Zani, the method of welding the base body and bottom together because welding is a well known method of joining metal parts together.

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sollo (US 6,782,599) in view of Zani (US 4,204,607) as applied to claim 23 above, and further in view of Kim (US 2004/0226456 A1) and Müller (US 5,881,635).

Claim 28 recites: "The method of claim 23, further comprising one of a) welding the base body to the multi-part bottom and b) soldering the base body to the multi-part bottom."

The teachings of Kim et al. have been discussed above.

The combination of Sollo, Zani, and Kim, however, fails to teach soldering the base body to the multi-part bottom.

Müller teaches the brazing of a multi-part bottom to a base body (col. 1, ln 28-31).

In view of Müller's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, as in the method outlined by Sollo, Zani, and Kim, the method of brazing a multi-part bottom to a base body because brazing is a well known method of joining metal parts together.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN HA whose telephone number is (571)270-

Art Unit: 4184

5934. The examiner can normally be reached on Monday - Thursday 7:30 - 5 & Alternate Fridays 7:30 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jared Fureman can be reached on 571-272-2391. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H./
Examiner, Art Unit 4184

/Isam Alsomiri/
Primary Examiner, Art Unit 3662